

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE MASLIN,	:	
	:	
Plaintiff,	:	11-CV-8709 (JPO)
	:	
-v-	:	
	:	<u>ORDER ADOPTING</u>
COMMISSIONER OF SOCIAL SECURITY,	:	<u>REPORT AND</u>
	:	<u>RECOMMENDATION</u>
Defendant.	:	
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J. PAUL OETKEN, District Judge:

The Court has reviewed Magistrate Judge Kevin Nathaniel Fox’s Report and Recommendation (the “Report”) suggesting that the Commissioner’s motion for judgment on the pleadings be granted (Dkt. No. 16). For the reasons that follow, the Report is adopted in full and the motion is GRANTED.

Plaintiff sought review of an ALJ’s determination that she is ineligible for disability insurance benefits. Defendant moved for judgment on the pleadings and, on March 17, 2014, Magistrate Fox recommended that the motion be granted. Specifically, the Report noted that the ALJ’s finding of Plaintiff’s residual functional capacity and discrediting of certain portions of Plaintiff’s testimony were supported by the record, and that the Social Security Appeals Council “did not err in refusing to review the ALJ’s decision.” (Report at 23.) The Report also included a notice that “the parties shall have fourteen (14) days from service of this Report to file written objections. . . . *Failure to file objections within fourteen (14) days will result in a waiver of objections and will preclude appellate review.*” (*Id.*) Accordingly, objections were due on April 3, 2014.

No party filed a timely objection to the Report; therefore, the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely

objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008) (“The District Court then reviewed the magistrate judge’s report and recommendation for clear error and, finding none, adopted the report in full.”). Magistrate Judge Fox’s well-reasoned Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, the Report and Recommendation (Dkt. No. 28) is hereby ADOPTED and Defendant’s motion for judgment on the pleadings (Dkt. No. 16) is hereby GRANTED. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: New York, New York
April 10, 2014



J. PAUL OETKEN
United States District Judge